

FILED BY *g* D.C.

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ROBERT R. DI TROLIO
CLERK, U.S. DIST. CT.
W.D. OF TN. MEMPHIS

MARCUS SEYMOUR,
Plaintiff

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE

MOTION GRANTED

[Signature]
U.S. MAGISTRATE JUDGE

June 7, 2005
DATE

v.
UNITED STATES POSTAL SERVICE and
JOHN E. POTTER, Postmaster General,
Defendants

CIVIL NO. 04-2261 DP

UNOPPOSED MOTION SEEKING AN EXTENSION OF TIME TO FILE
RESPONSIVE PLEADING TO THE AMENDED COMPLAINT AND
MEMORANDUM IN SUPPORT OF MOTION

The Defendants, United States Postal Service and John E. Potter, move the Court for an order granting the Defendants an extension of time to file a responsive pleading to the Plaintiff's Amended Complaint until April 25, 2005.

In support of their motion the Defendants would show the Court that on March 11, 2005, the Plaintiff filed an unopposed motion to amend his complaint to added allegations regarding Plaintiff's claims in administrative complaints which have only recently been administratively concluded by final agency decision. The Court granted the Plaintiff's motion, and an order was entered on March 15, 2005. While a copy of the amended complaint accompanied the motion seeking permission to amend, the amended complaint has not been served on the Defendants pursuant to F.R.C.P. 5 following entry of the order authorizing the filing of the amended complaint. However, because service of the complaint could be deemed effectuated upon entry of the order on March 15, 2005, the defendants' last day to timely respond could be as soon as March 31, 2005.

Furthermore, and without regard to whether the amended complaint has been properly

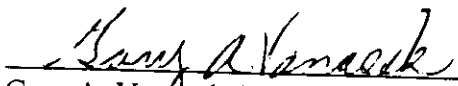
serviced on the Defendants, the Defendants need additional time to analyze the new allegations and consult with counsel before responding thereto.

The undersigned attorney has consulted with the attorney for the Plaintiff and has been advised that the Plaintiff does not oppose the relief sought herein.

Respectfully submitted,

TERRELL L. HARRIS
United States Attorney

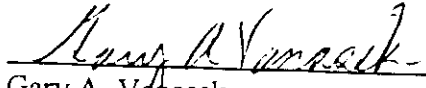
By:



Gary A. Vanasek (BPR 4575)
Assistant U.S. Attorney
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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing pleading by first class postage pre-paid on this the 21st day of March 2005, on counsel for the Plaintiff, Mr. John Hershberger, 239 Adams Avenue, Memphis, TN 38103



Gary A. Vanasek



Notice of Distribution

This notice confirms a copy of the document docketed as number 24 in case 2:04-CV-02261 was distributed by fax, mail, or direct printing on June 13, 2005 to the parties listed.

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Honorable Bernice Donald
US DISTRICT COURT